



## 2013 ASSEMBLY BILL 835

1     **AN ACT** *to renumber and amend* 236.13 (2) (a); and *to create* 236.13 (2) (a) 2.  
2             of the statutes; **relating to:** limiting the security a town or municipality may  
3             require as a condition of plat approval.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4             **SECTION 1.** 236.13 (2) (a) of the statutes is renumbered 236.13 (2) (a) 1. and  
5             amended to read:  
6             236.13 (2) (a) 1. As a further condition of approval, the governing body of the  
7             town or municipality within which the subdivision lies may require that the  
8             subdivider make and install any public improvements reasonably necessary or that  
9             the subdivider execute a surety bond or provide other security to ensure that he or  
10            she will make those improvements within a reasonable time. The governing body

**ASSEMBLY BILL 835****SECTION 1**

1 may not require the subdivider to provide security at the commencement of a project  
2 in an amount that is more than 120 percent of the estimated total cost to complete  
3 the required public improvements. It is the subdivider's option whether to execute  
4 a performance bond or whether to provide a letter of credit to satisfy the governing  
5 body's requirement that the subdivider provide security to ensure that the public  
6 improvements are made within a reasonable time. The subdivider may construct the  
7 project in such phases as the governing body approves, which approval may not be  
8 unreasonably withheld. If the subdivider's project will be constructed in phases, the  
9 amount of ~~any surety bond or other~~ security required by the governing body shall be  
10 limited to the phase of the project that is currently being constructed. The governing  
11 body may not require that the subdivider provide any security for improvements  
12 sooner than is reasonably necessary before the commencement of the installation of  
13 the improvements. If the governing body of the town or municipality requires a  
14 subdivider to provide security under this paragraph, the governing body may not  
15 require the subdivider to provide the security for more than 14 months after the date  
16 the public improvements for which the security is provided are substantially  
17 completed and upon substantial completion of the public improvements, the amount  
18 of the security the subdivider is required to provide may be no more than an amount  
19 equal to the total cost to complete any uncompleted public improvements plus 10  
20 percent of the total cost of the completed public improvements.

21 **SECTION 2.** 236.13 (2) (a) 2. of the statutes is created to read:

22 236.13 (2) (a) 2. For purposes of subd. 1., public improvements reasonably  
23 necessary for a project or a phase of a project are considered to be substantially  
24 completed at the time the binder coat is installed on roads to be dedicated or, if the

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1 required public improvements do not include a road to be dedicated, at the time that  
2 90 percent of the public improvements by cost are completed.

3 **SECTION 3. Initial applicability.**

4 (1) This act first applies to a preliminary plat or, if no preliminary plat is  
5 submitted, a final plat, that is submitted on the effective date of this subsection.

6 (END)